UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---X Docket No.__________________

DOLORES STORMO, WENDY CARIELLO and NANCY GIRIS,

Plaintiffs,

-against-

COMPLAINT

THE TOWN OF HEMPSTEAD and ANTHONY SANTINO, KATE MURRAY, MICHAEL PASTORE, GERRY MARINO, KEVIN DENNING and GARETT GORTON,

Defendants.

---X

Plaintiffs DOLORES STORMO, WENDY CARIELLO and NANCY GIRIS, by and through their undersigned attorneys, complaining of the Defendants herein, allege upon knowledge as to themselves and their own actions, and upon information and belief as to all other matters, as follows:

PRELIMINARY STATEMENT

1. This is an action brought by three Plaintiffs who have dedicated their lives to preserving the health and safety of animals. Dolores Stormo, Wendy Cariello and Nancy Giris (hereinafter referred to as "the Plaintiffs") were all employed by the Defendant Town of Hempstead (hereinafter referred to as "the Town") at its town Animal Shelter (hereinafter referred to as "the Shelter.")[1]

2. Plaintiffs were hired by the Town in a proposed effort to revitalize the Shelter and usher in a new progressive era of animal welfare after prior litigation and media attention brought its shortcomings to light. Despite Plaintiffs' best efforts, the proposed new

[1] Plaintiffs Stormo and Giris are still currently employed at the Shelter. Plaintiff Cariello was forced to resign in July of 2016 due to Defendants' actions complained of herein.

agenda was short-lived. It soon became evident that the Town's talk of a new direction and a more responsible, humanitarian approach was much ado about nothing. Rather than commit in earnest to bettering the conditions at the Shelter and promoting the insightful recommendations of the Plaintiffs, Defendants soon reverted to their nefarious, callous ways and hundreds of defenseless animals were left to suffer. When Plaintiffs dared to challenge these actions, they were retaliated against and subjected to increasingly hostile work environments in escalating fashion. Defendants' retaliatory animus has caused Plaintiffs immeasurable damage and suffering, even leading to the constructive termination of Plaintiff Cariello.

3. Plaintiffs Stormo, Cariello and Giris bring the instant suit for violations of their First Amendment Rights to Freedom of Speech and Freedom of Assembly. They seek declaratory, injunctive, compensatory and equitable relief, as well as punitive damages and attorneys' fees.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over Plaintiffs' Federal claims pursuant to 28 U.S.C. §§ 1331 & 1343.

5. Venue is proper in this case pursuant to 28 U.S.C. § 1391.

PARTIES

6. Plaintiff Dolores Stormo (hereinafter referred to as "Stormo") is an adult individual who resides in Oceanside, New York. For over five (5) years Stormo has been employed by the Shelter as a community research assistant. As part of her employment, she worked on socializing animals, training volunteers on how best to work with the shelter animals,

placing kittens in foster homes. She also initiated a dog-walking program and a cat socialization program as well as adoption programs. These programs were all eventually reassigned to other employees.

7. Plaintiff WENDY CARIELLO (hereinafter referred to as "Cariello") is an adult individual who resides in Baldwin, New York. For over five and a half years (5 ½) Cariello worked at the Shelter as, at varying times, an adoption counselor, event coordinator, overseer of material donations and rescue liaison.

8. Plaintiff NANCY GIRIS (hereinafter referred to as "Giris") is an adult individual who resides in North Massapequa, New York. Giris has been employed by the Shelter for over five (5) years, working her way up from the clerical staff to the position of adoption coordinator. Giris also founded the community service program at the shelter for students aged 13-17 and for disabled adults. Prior to her time at the Shelter, Giris worked extensively with animals in need.

9. Defendant TOWN OF HEMPSTEAD is a municipal corporation organized and existing under the laws of the State of New York with its principal place of business located at One Washington Street, Hempstead, New York. Pursuant to the New York State Agricultural & Markets Law, the Town operates, staffs and supervises the employees of the Town of Hempstead Animal Shelter located at 3320 Beltagh Avenue, Wantagh, New York.

10. Defendant ANTHONY SANTINO (hereinafter referred to as "Santino") is, and has been, the supervisor of the Town since January 2016. As such he is currently the highest elected official in the Town.

11. Defendant KATE MURRAY (hereinafter referred to as "Murray") was the supervisor of the Town at all relevant times up until January of 2016.

12. Defendant MICHAEL PASTORE (hereinafter referred to as "Pastore") at all relevant times, was an employee of the Town assigned to work in the Shelter. Upon information and belief, Pastore is a resident and domiciliary of the Town of Hempstead and State of New York.

13. Defendant GERRY MARINO (hereinafter referred to as "Marino"), at all relevant times, was and is an employee of the Town assigned to work as the Commissioner of General Services. Upon information and belief, Marino is a resident and domiciliary of the Town of Hempstead and State of New York.

14. Defendant KEVIN DENNING (hereinafter referred to as "Denning"), at all relevant times, was an employee of the Town assigned to work in the Shelter. Upon information and belief, Denning is a resident and domiciliary of the Town of Hempstead and State of New York.

15. Defendant GARRETT GORTON, (hereinafter referred to as "Gorton") at all relevant times, was an employee of the Town assigned to work in the Shelter. Upon information and belief, Gorton is a resident and domiciliary of the Town of Hempstead and State of New York.

FACTS

16. The Shelter had been the subject of a previous lawsuit against the Town brought by concerned citizens who were outraged at the waste, abuse and neglect rampant within its walls.

17. Among the plaintiffs in that previous suit was Diane Madden, a long-time animal advocate and resident of the Town. Ms. Madden has initiated a new, separate but related suit against the instant Defendants alleging similar transgressions and causes of action to Plaintiffs'.

18. Madden's previous lawsuit resulted in an Offer of Judgment on January 7, 2013. That suit spurred a great deal of media attention and following its resolution, Plaintiffs and the Public were led to believe that changes would be implemented within the Town and the Shelter to better protect the animals and those that cared for them.

19. Shortly after the resolution of this matter, Murray announced a plan to gravitate from a "kill shelter" and towards a progressive adoptive center. Under the scrutiny of a New York State Fiscal and Operational Audit of the Shelter, these changes included, for the first time in the history of the Shelter, the hiring of new personnel who possessed the proper experience, training and skill in animal care and sheltering to accomplish the professed new goal. These new employees shared the no-kill mentality and advanced a movement towards transparency and accountability by implementing proper record keeping and Policy & Procedures that would assure the public of life saving programs for the Shelter animals. Defendants made assurances that old methods of corruption, deceit and fiscal waste, where animals were paying the ultimate price, would be supplanted by the more progressive, humane "adoption center" mindset that everyone demanded. These goals were akin to those Plaintiff Madden and other like-minded individuals had long fought to implement.

20. As part of these changes, the Town removed employees of the Shelter who had been hired for political reasons and began replacing them with highly qualified animal care

personnel who in turn implemented the positive changes championed by Plaintiffs and delineated by Murray in her public initiative.

21. Among the new staff were Giris, Stormo and Cariello (hereinafter "the Employees"). All new staff, including the Employees, supported the "no-kill" philosophy and pro-adoption goals and sought to make the Shelter a source of pride for the town as well as a safe haven for animals in need.

22. The Shelter's new Director, Cindy Iacopella, and the Assistant Director, Stacie DaBolt, sought to rectify the Shelter's former closed door mentality by encouraging animal rights activists and concerned citizens to engage in meaningful participation towards the Shelter's future. Positive changes were observed by the Plaintiffs and they felt optimistic about the Shelter's new direction.

23. Plaintiffs worked hard towards the Shelter's new adoption focused goals and were very pleased with the initial results of their efforts.

24. Optimism soon faded, however, as it became evident that this new public agenda espoused by Defendants was merely illusory; a way to placate the public until the storm blew over. Behind closed doors, the Town undertook a plan of action that belied Defendants' public façade of cooperation and goodwill. Upon information and belief Murray was aware of this plan and was complicit in its undertaking.

25. In 2014, Cindy Iacopella resigned from the Shelter and was replaced by Pastore. Upon information and belief, Kate Murray knew of and approved Pastore's hiring and was Pastore's supervisor at the Town.

26. Pastore was a transplant from the New York City Animal Care and Control and possessed a mindset that was completely inapposite to the progressive adoption focus that was

supposed to be the cornerstone of the Town's new Shelter philosophy. Pastore stated "We are not an adoption center, we are an open admission government animal shelter," indicating that the Town was reverting to a "pound mentality," and killing animals was once again a viable, unapologetic option.

27. Pastore referred to the Shelter's animals as "inventory," and potential adopters as "civilians." He unabashedly mocked and provoked animal advocates such as Madden and the Plaintiffs, along with any person involved in the shelter held similar views. Upon information and belief, Pastore disparaged anyone who shared Plaintiffs' vision and beliefs, calling them "emotionally disturbed people" or "EDPs." He used this term during meetings with the Shelter employees and volunteers when describing Madden and those who shared her beliefs.

28. In a stunningly cruel attempt to underscore his intent, Pastore demonstrated his wrath on a shelter dog named Violet. Violet was involved in an accident at an offsite adoption event where Plaintiff Cariello was unintentionally injured. Plaintiff Cariello begged and pleaded with Pastore not to harm Violet, clearly stating that Violet did not bite anyone or exhibit any dangerous behavior. Plaintiff Cariello also presented Pastore with a letter from a volunteer supporting Plaintiff Cariello's claims that the incident was a complete accident and again stressed Violet's friendly disposition. Despite this, Pastore had her euthanized. Upon information and belief when questioned as to why he had Violet euthanized, he fabricated a story claiming Violet violently attacked Plaintiff Cariello, completely ignoring all of the witnesses' and Plaintiff Cariello's protestations to the contrary. Upon information and belief, Pastore has used the euthanization of other

animals at the Shelter as a tool to send his message. If he is not obeyed, the animals will pay the price.

29. For Plaintiff Stormo, the effects of Pastore's vendetta were felt immediately. Pastore identified Stormo as being affiliated with Cindy Iacopella, (and Madden, by association), and as such deemed her a threat. In 2014, Stormo was forced to take a leave of absence from the Shelter due to a job-related injury where a large dog pulled her down. Upon her return, Stormo resumed her long shifts and took extra time to meet with potential adopters. She requested meager overtime pay (no more than thirty minutes). Pastore, for no apparent reason, denied this overtime pay request. When Stormo questioned Pastore regarding his denial, he claimed to have watched video tapes and not seen the potential adopters at the shelter and accused Stormo of lying. This was not an isolated incident as Pastore did this numerous times to Plaintiff Stormo.

30. Pastore also set to work on returning euthanasia to the shelter en masse, despite the now hollow promise that the shelter would be "adoption-centered." Upon information and belief, paperwork was manipulated to fraudulently read that the animals were killed pursuant to "Owner Request Euthanasia," when, in fact, the animals were being turned in to the Shelter by the owners with the understanding that they would placed for adoption. Also upon information and belief, Pastore eliminated proper policy, procedures and protocols so that very little information was recorded or traceable thereby preventing the public from being able to obtain information about the animals under New York State law. Animals that had been placed at the Shelter adoption, rehabilitation and rescue were instead quickly and decisively exterminated without notice.

31. Prior to the supposed implementation of promised new directives, the Shelter had been a bastion of cronyism. The animals were left to languish, hostages of a corrupt political machine until and the other previous litigants took a stand, and exposed the abuse and corruption through their initial lawsuit. Upon information and belief, Pastore, a beneficiary of the crony regime, resented Madden's motivations, as well as Plaintiffs' motivations, and desperately sought to resurrect corrupt policies.

32. As part of the Defendants' plans for retribution and to restore the shelter to it's original status as a haven for cronyism, Pastore harassed Laura Garber, the animal behaviorist hired as part of Murray's publicly touted animal shelter initiative. Pastore sought to replace her with Nick Derenze who, upon information and belief, not only lacked the proper credentials and experience to be an animal behaviorist but had already been removed previously from this position due to a history of abusing animals. Mr. Dorenz' potential promotion smacked of the very corruption that previously existed as, upon information and belief, he was the boyfriend of Shelter rescue coordinator Emily Tanen. Tanen fully supported and worked in lock step with Pastore's running of the Shelter. Upon information and belief, Ms Garber's office dog "Rebel" was denied urgent rescue outreach and medical treatment he needed. Ultimately these medical issues caused Rebel's death. This was a clear message from Pastore- cross him and the animals would pay the price.

33. None of this behavior went unnoticed by the Plaintiffs. However, all attempts to address Pastore's behavior were obstructed by Kate Murray's aide, Cheryl Petrie. She supported, defended and protected Pastore. In so doing, she abolished any transparency and accountability, reversing any strides that Plaintiffs had made towards a more humane

Shelter. She covered up the horrific treatment of the animals at the Shelter and intimidated any individuals who got in her way. Upon information and belief, Pastore classified Petrie's assistance as "referring to legal." Upon information and belief, Petrie's actions were pursuant to Murray's instruction and with her express knowledge.

34. These developments understandably traumatized Plaintiffs, who viewed them as a concerted attempt by the Town to renege on its very public promises to fix the Shelter. The Plaintiffs were even more upset by the fact that it was the animals who were being callously used by the Defendants as ammunition to further their goals of political corruption.

35. At the recommendation of Murray, Madden and two other advocates (one of which was Madden's personal attorney) met with Pastore and Cheryl Petrie in an attempt to find common ground. However, the meeting was anything but amicable as Pastore was openly hostile. Instead of trying to resolve the differences between the parties in a neutral fashion, Petrie positioned herself as an ally of Pastore. While at the meeting, Madden showed official Government documents to Petrie and Pastore that had been obviously altered to reflect the incorrect statement that Stacie DaBolt authorized all of the animals killed at the shelter while she was there. Cheryl Petrie was alarmed and immediately asked Pastore about his involvement. He completely dismissed and denied the whole affair. Cheryl Petrie asked permission to take copies and assured Madden that she would investigate these issues. She later told Madden's personal attorney in an email that this is a very serious matter and one she will not take lightly and that the town will be investigating this. The Town later blamed these issues on an independent third party

software company, who, upon information and belief, had neither the motive nor the resources to have effectuated the alterations.

36. After this meeting, Pastore redoubled his efforts to intimidate anyone who opposed the "Plan" that he was tasked with undertaking. He began checking surveillance footage from the Shelter to determine which volunteers, members of the public and employees to target- especially those who, in his opinion, were aligned with Madden. When he found "proof" of an employee or volunteer talking to Madden, he would immediately engage in a pattern of harassment and intimidation against that individual until that person was removed, banned, demoted or forced to resign from the shelter.

37. Plaintiff Stormo was one of the employees caught up in Pastore's "witch hunt." She was called into Pastore's office, in his absence, and shown surveillance footage of herself talking with Madden and verbally berated by Gorton.

38. Three of the people most affected by Pastore's inquisition were the Plaintiffs. Giris, Cariello, and Stormo had spoken out about issues involving Pastore and the Shelter. Upon information and belief, Pastore assumed the Plaintiffs were in league with Madden and began systematically harassing them as well.

39. The plaintiffs became embroiled in Pastore's and Santino's agenda. In November of 2015, Giris and Cariello attended a town hall meeting. This meeting was the first Town meeting chaired by Santino. Giris and Cariello attended to learn about what the future of the Shelter would be, as they had heard conflicting information regarding their future as employees. Other animal advocates were also present at the meeting but did not converse with either Giris or Cariello. Unbeknownst to Giris and Cariello, upon information and belief, Cheryl Petrie took note of Plaintiffs' attendance and alerted Pastore to their

presence. Shortly thereafter, both Giris and Cariello found themselves squarely in Pastore's crosshairs as, upon information and belief, their attendance at the meeting signaled to Pastore that Giris and Cariello were in alliance with the other advocates.

40. Immediately after this meeting, the Plaintiffs found themselves isolated from others at the Shelter. Pastore began attacking them whenever able. Cariello found herself at the receiving end of verbal abuse from Pastore when he learned she had invited Town Councilwoman Erin King Sweeney to a Shelter event. Cariello also found herself blocked by Pastore from emailing volunteers -a vital component of her responsibilities- and as such unable to perform her job.

41. Giris similarly found her emails restricted without explanation.

42. Plaintiffs were also cut off from the Shelter's library of adoptable animals as well as their evaluations, also without explanation.

43. On or about January of 2016, Murray left office as Town Supervisor and was replaced by Defendant Santino. Santino met with Madden in February 2016 and initially seemed motivated to, as Santino phrased it, "reset the relationship." As a purported showing of good faith, Santino replaced Cheryl Pietri as the shelter liaison with Defendant Denning.

44. Santino's true colors were brought to light, however, when he refused to address the ongoing and increasingly outrageous behavior of Pastore. Upon learning about Pastore's actions, Santino would make vague promises to "look into things" but ultimately did nothing. Despite being informed of Pastore's actions, and being aware of the fact that these actions were endangering the animals and harmful to the Plaintiffs, Santino allowed them to continue. He did nothing as Denning tried to make excuses for Pastore's actions.

45. During an initial meeting with Madden, Santino was, at his request, given a list of qualified personnel at the Shelter. Included on this list were the Plaintiffs. Pastore somehow obtained this list and placed each named individual in his crosshairs. Each named staff member became a target to Pastore and he undertook to harass and intimidate each one.

46. As was evident, Denning's appointment did little to change the situation at the Shelter. Plaintiffs communicated with animal advocates who met Santino and relayed Santino's instructions to Denning. Santino would instruct Denning to act on certain suggestions made by the advocates. Denning, however, would disregard these instructions and take no action. When questioned on this inaction, Santino would publicly show frustration with Denning's purported insubordination but would take no action against him. This demonstrated how Santino was complicit in sanctioning Denning's actions.

47. Pastore also began to butt heads with Giris over Shelter procedures. Giris discovered that instead of being given to qualified potential adoptors, dogs were mysteriously being transferred to rescue groups preferred by Pastore. Some of the groups Pastore would send animals to were prohibited from receiving animals by Pastore's predecessors. When Giris attempted to discuss this with Pastore, she was yelled at and taken off all media and public appearances as well as stripped of her administrative rights on the Shelter's software for no apparent reason other than running afoul of Pastore.

48. Stormo was stripped of her office shortly after Santino was elected as well. She had used her office to care for sick cats, primarily cats with leukemia or AIDS. Pastore disregarded this fact and moved Stormo, claiming he wanted to turn her office into a

"cattery." Stormo offered to compromise and let her office be a cattery while keeping her desk there, but Pastore summarily denied this request without offering any reason.

49. Making his actions even more galling was the fact that when Pastore decided to eject Stormo from her office, she had just found out her brother was being placed in hospice. Upon information and belief Pastore knew of Stormo's brother's health issues and chose to attack her anyway.

50. Adding insult to injury, the very next day after having spoken out at a Town Board meeting, Pastore had Stormo and Giris officially reprimanded for purportedly not opening a door fast enough when Supervisor Jillian Schuster knocked. Stormo was in the office with Giris crying about her brother's fate. Stormo later questioned Schuster as to why the complaint was made because she hadn't seemed the least upset by the slight delay at the time. Schuster confessed that Pastore pressured her into filing it.

51. Santino announced that a full investigation would be launched into the disputes and complaints regarding the Shelter. While the Plaintiffs believed Santino was acting in good faith and investigating Pastore's increasingly disturbing behavior, it soon became evident that nothing could be further from the truth. It became clear that the investigation was a sham- a tool to collect information to use against Madden and the Plaintiffs and any other animal advocates Defendants believed to be making waves.

52. Defendants used this investigation to fool people into speaking confidentially so that the Defendants could gain more information and insight into who they should get rid of. In turn the Defendants would use the information gleaned to attack the Plaintiffs. The investigator was particularly threatening towards Plaintiff Cariello.

53. The attacks on the Plaintiffs continued. On or about June of 2016, Stormo was caring for a terminally ill cat named Chad and worked hard to have Chad placed in a foster home so he could die comfortably. The Shelter Veterinarian twice denied this request and Chad was left to die in the shelter in a cage above a barking dog. Upon information and belief, this refusal was made upon the direction of the Defendants, with their knowledge. Stormo, clearly upset about Chad's fate, attended a Town Hall meeting to raise awareness of what happened to Chad and the deteriorating situation at the Shelter in general. Pastore took Stormo's actions as a sign of disrespect and mercilessly harassed her for speaking out on Chad's behalf. He also stripped her of the cat fostering program she worked so hard to develop and gave it to various unqualified people of his choosing.

54. Cariello found her job duties systematically reduced and her responsibilities stripped away. All of the programs she had established to find animals new homes were rooted out by Pastore and terminated for no apparent reason. Pastore continued with this pattern of harassment and isolation until Plaintiff Cariello felt there was no choice but to resign.

55. Shortly thereafter, in July of 2016, Cariello resigned from the shelter. She had no intention of resigning but Pastore repeatedly stripped her of her job duties and responsibilities. He also kept harassing her to the point that she could no longer handle going to the shelter she once loved. Seeing no end to Pastore's torment in sight, she reluctantly resigned.

56. On September 8, 2016, Defendant Santino announced a program asking for volunteers to come to the Shelter to read books to the animals. While this program sounded good on paper, it was a façade created to appease the public. Around this time, advocate Madden issued a press release stating that Santino had reneged on a significant number of

promises and that he had made numerous false representations regarding the Shelter. Upon information and belief, this angered Santino whose reading program was designed as a scheme to deflect public criticism about the Shelter.

57. During this time period, the true intent of the Town's investigation, initiated by Santino, was coming to light. Upon information and belief, not getting the results he was hoping for, and frustrated at the inability to find employees willing to handle the investigation, Santino retained Garrett Gorton under the auspices of an investigator, despite there already being an investigator assigned to the matter. In reality, Gorton was nothing more than a brute enforcer for the Town, seeking to advance their agenda. While Gorton claimed to be independent, upon information and belief, he was and is paid by the Town.

58. Gorton contacted animal advocate Madden under the guise of gathering information for the Shelter investigation. Madden politely referred him to her personal attorney. Soon thereafter, Madden attended a demonstration where she ran into Defendant Gorton. While initially polite, his tone soon turned menacing as he made it clear his goal was to intimidate and harass the advocates. Defendant Gorton stated to Madden that she will "probably get sued by town employees" due to her prior lawsuit, that all of her claims were fabricated, that she will again get banned from the Shelter and that she is making the Shelter a dangerous place to work. Gorton also revealed that the results of his investigation were already pre-determined and that she was the problem, not Pastore.

59. At the next Town Board meeting, Gorton appeared and again tried to intimidate Madden by sitting behind her and by making threatening gestures. It was also around this time that Pastore and Gorton were approaching various Shelter employees, including Plaintiff

Stormo, and threatening them against communicating with other animal right's activists and members of the public.

60. Gorton also attacked Stormo. He first met with Stormo on or about September of 2016. At this meeting Gorton accused her of making serious allegations and insinuated that her job was in jeopardy. When she questioned Gorton about this he simply said "Pastore is not going anywhere." She then agreed to take Gorton on a tour of the shelter to point out the horrid and unsanitary conditions in which the animals were forced to live. Upon seeing these conditions, Gorton stated to Stormo that the shelter was filthy because "animals can't tell you when they need to go to the bathroom" and stormed out of the Shelter. Upon information and belief, Pastore had used the exact same quote in an unrelated interview.

61. When in Pastore's office, Plaintiff Stormo noticed pictures of herself in Gorton's file. She questioned him as to the derivation of these photographs and was told that they were printed from the Shelter's surveillance footage. He went on to state that the footage depicted Stormo communicating with Madden and demanded to know the nature of their conversation. Stormo, although threatened, asserted her right to speak with whomever she chose.

62. Giris' treatment at the Shelter likewise deteriorated. She discovered that Pastore was improperly having healthy animals euthanized without informing anyone and set out to prevent this from happening. However, every attempt and solution she proposed to Pastore was immediately disregarded. Giris found a list of cats that were scheduled for euthanization and found alternatives for the animals. Pastore became extremely hostile to

Giris and viewed her actions as insubordination when, in fact, she was simply doing her job. Giris reached out to Santino for help but was repeatedly ignored.

63. Stormo and Giris remain employed at the Shelter but are constantly under assault by Pastore. Recently, Pastore began demanding medical documentation from Stormo regarding injuries she sustained at the Shelter prior to his arrival. He also assigned her to train volunteers on how to walk the largest, most unwieldy animals despite her tiny stature. This was how her injury occurred in the first place, and Pastore knew this. The Town was fully aware of Stormo's injury at the time it occurred. Demanding documentation years after the event is yet another ploy meant to frustrate and intimidate the Plaintiffs. Both Stormo and Giris are still having their job responsibilities taken away and are constantly being isolated and harassed at the Shelter.

DAMAGE CAUSED BY THE TOWN'S ACTIONS

64. Due to the attacks against her by the Defendants, Plaintiff Cariello has suffered great emotional pain and humiliation, depression, anxiety, a loss of sleep, a loss of self-worth, damage to their reputations, and other indices of emotional trauma. Furthermore, she was forced to resign from her job at the shelter due to the abuse she was forced to endure on a daily basis.

65. Due to the attacks against her by the Defendants, Plaintiff Stormo has suffered great emotional pain and humiliation, depression, anxiety, a loss of sleep, a loss of self-worth, damage to their reputations, and other indices of emotional trauma. Her blood pressure has reached dangerous levels requiring the doubling of her medication along with the addition of new medications. Furthermore, she continues to endure abuse and harassment on a daily basis at her current job at the Shelter.

66. Due to the attacks against her by the Defendants, Plaintiff Giris has suffered great emotional pain and humiliation, depression, anxiety, a loss of sleep, a loss of self-worth, damage to their reputations, and other indices of emotional trauma. Furthermore, she continues to endure abuse and harassment on a daily basis at her current job at the Shelter.

AS AND FOR A FIRST CAUSE OF ACTION

67. The above stated actions of the Defendants in seeking to chill the Plaintiffs, as taxpaying citizens, for speaking out on matters of public concern is unconstitutional on its face and Defendants have violated the First Amendment of the United States Constitution, and the Equal Protection Clause of the United States Constitution pursuant to 42 U.S.C. § 1983.

68. Plaintiffs have no adequate remedy at law.

AS AND FOR A SECOND CAUSE OF ACTION

69. The above stated actions of the Defendants in attacking the Plaintiffs and creating a hostile work environment for continuing to perform their work after associating with animal rights activists and speaking out against perceived wrongdoing is retaliatory in nature and Defendants violated the First Amendment of the United States Constitution, and the Equal Protection Clause of the United States Constitution pursuant to 42 U.S.C. § 1983.

DEFENDANT'S LIABILITY

70. The Town has, while acting under color of state law, deprived the Plaintiffs of their constitutional rights, as secured by the First and Fourteenth Amendments to the United States Constitution, and all related provisions of the New York State Constitution. The Town is liable for the actions of the individually named Defendants because the Town officials intentionally committed, condoned or were deliberately indifferent to the

aforementioned violations of the Plaintiffs' constitutional rights. Such deliberate indifference may be inferred in the following ways

a. Defendants' custom or practice of discriminating and/or retaliating against individuals based on their constitutionally-protected forms of speech, expression and association. The discriminatory practices were so persistent and widespread that they constitute the constructive acquiescence of policymakers.

b. Supervisors failed to properly investigate and address allegations of discrimination, retaliation and/or harassment.

c. Inadequate training/supervision was so likely to result in the discrimination, retaliation, and/or harassment that policymakers can reasonably be said to have been deliberately indifferent to the need to provide better training and supervision.

d. Policymakers engaged in and/or tacitly condoned the discrimination/retaliation.

WHEREFORE, the Plaintiffs demand the Court enter judgment in their favor and against the Defendants as follows:

A. Declaring the Defendants' course of conduct subsequent to the resolution of Madden's and the other animal right's advocates' initial court case violative of the agreement reached between the parties in that suit;

B. Directing the Defendants to take all necessary measures to ensure the Shelter be planned, governed and supervised in a more humane and progressive manner;

C. Directing the Defendants to pay to the Plaintiffs all compensatory, punitive, and liquidated damages to which she may be entitled;

D. Directing the Defendants to pay the Plaintiff attorneys' fees should the Plaintiffs be the prevailing party to this action;

E. Directing the Defendants to pay the costs and disbursements associated with this action; and,

F. Granting such other and further relief that to the Court seems just and proper.

Further, the Plaintiff demands a trial by jury.

Dated: Garden City, New York
December 12, 2016

Yours, etc.

Jonathan A. Tand, Esq.

JONATHAN A. TAND & ASSOCIATES
990 Stewart Avenue, Suite 225
Garden City, New York 11530
(516) 393-9151

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

) ss:

COUNTY OF NASSAU)

Nancy Giris, being duly sworn, states that she has reviewed the foregoing Verified Complaint and that the contents of said Verified Complaint are true to her own knowledge, except in matters stated to be alleged upon information and belief, and, as to those matters, she believes them to be true.

Nancy Giris

Duly sworn before me

this 12th day of December 2016

Jennifer Spirn
Notary Public, State of New York
No. 02SP6332636
Qualified in Suffolk County
Commission Expires November 02, 2019

NOTARY PUBLIC

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

) ss:

COUNTY OF NASSAU)

Dolores Stormo, being duly sworn, states that she has reviewed the foregoing Verified Complaint and that the contents of said Verified Complaint are true to her own knowledge, except in matters stated to be alleged upon information and belief, and, as to those matters, she believes them to be true.

Dolores Stormo

Duly sworn before me

this 12th day of December 2016

Jennifer Spirn
Notary Public, State of New York
No. 02SP6332636
Qualified in Suffolk County
Commission Expires November 02, 2019

NOTARY PUBLIC

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

) ss:

COUNTY OF NASSAU)

Wendy Cariello, being duly sworn, states that she has reviewed the foregoing Verified Complaint and that the contents of said Verified Complaint are true to her own knowledge, except in matters stated to be alleged upon information and belief, and, as to those matters, she believes them to be true.

Wendy Cariello

Duly sworn before me

this 12th day of December 2016

Jennifer Spim
Notary Public, State of New York
No. 02SP6332636
Qualified in Suffolk County
Commission Expires November 02, 2019

NOTARY PUBLIC